

# Manchester Police Department

## Standard Operating Procedure

### Authority, Law Enforcement Role

Effective Date: June 2020

Miscellaneous information:

Rescinds:  
Authority, Law Enforcement Role  
April 2020

## I. PURPOSE

To define the course for the Manchester, New Hampshire Police Department to follow as its community's law enforcement agency.

## II. POLICY

Providing the City of Manchester, New Hampshire with the highest standards of effective law enforcement is the mission of the Manchester Police Department. Establishing the level of effectiveness that the community deserves and expects requires that certain goals and objectives be set, and periodically reassessed in keeping with constantly changing methods of police procedure, criminal investigation and court decisions.

Because personnel at the operational levels of the department have an intimate understanding of the day to day implementation of goals and objectives, input from all levels of the department shall be sought as a means of establishing relevant goals and objectives.

Pursuit of set goals and objectives must be accomplished within defined limits of authority. Effecting its authority further demands that the force used be acceptable and appropriate according to lawful, ethical and moral standards, and fully reflect the best of the community that it serves.

## III. OATH OF OFFICE

Prior to assuming sworn status, all sworn personnel of the Manchester, New Hampshire Police Department shall be required to take an oath of office to uphold the laws and the Constitutions of the United States, the State of New Hampshire, and the City of Manchester Code of Ordinances. Said oath shall be administered under the direction of the Chief and Commission of the Manchester, New Hampshire Police Department. The oath shall be entered as a permanent record in the officer's personnel file.

## IV. CODE OF ETHICS

All employees shall abide by the code of ethics described below.

### A. Sworn Personnel

As a law enforcement officer, my fundamental duty is to serve mankind; to safeguard lives and property; to protect the innocent against deception, the weak against oppression or intimidation, and the peaceful against violence and disorder; and to respect the Constitutional rights of all men to liberty, equality, and justice.

I will keep my private life unsullied as an example to all; maintain courageous calm in the face of danger, scorn, or ridicule; develop self-restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life. I will be exemplary in

obeying the laws of the land and the regulations of my department. Whatever I see or hear of a confidential nature or whatever is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I will never act officiously or permit personal feelings, prejudices, animosities, or friendships to influence my decisions. With no compromise for crime and with relentless prosecution of criminals, I will enforce the law courageously and appropriately without fear or favor malice, or ill will, never employing unnecessary force or violence, and never accepting gratuities.

I recognize the badge of my office as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of the police service. I will constantly strive to achieve those objectives and ideals, dedicating myself before God to my chosen profession-law enforcement.

**B. Non-sworn personnel**

As an employee of the Manchester Police Department, my fundamental duty is to serve the community of the City of Manchester and to respect the Constitutional rights of all to liberty, equality, and justice.

I will keep my private life unsullied as an example to all and will behave in a manner which does not bring discredit to me or my agency. I will maintain calm in the face of scorn or ridicule; develop self restraint; and be constantly mindful of the welfare of others. Honest in thought and deed in both my personal and official life, I will be exemplary in obeying the law and the regulations of my department.

I will never act officiously or permit personal feelings, prejudices, political beliefs, aspirations, animosities or friendships to influence my decisions. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept ever secret unless revelation is necessary in the performance of my duty.

I recognize my position with the Manchester Police Department as a symbol of public faith, and I accept it as a public trust to be held so long as I am true to the ethics of this department. I will never engage in acts of bribery nor will I condone such acts by other members of the department. I will cooperate with all legally authorized agencies and their representatives in the pursuit of justice.

I know that I alone am responsible for my own standard of professional performance and will take every opportunity to enhance and improve my level of knowledge and competence.

**C. Training**

Ethics training shall be conducted for all personnel, at a minimum, every two (2) years. Personnel should receive instruction the concerns their specific position dilemmas, temptations, responsibilities and duties. Ethics review can be in the form of classroom, shift briefing, computer-based training and bulletins, or any combination of methods.

**V. AUTHORITY OF ENFORCEMENT**

Within the limits established by the Constitutions of the United States and of the State of New Hampshire, the sworn officers (full time and part time) of the Manchester, New Hampshire Police Department are empowered to enforce all applicable Ordinances of the City of Manchester, New Hampshire, and the laws of the State of New Hampshire and of the United States as defined and as vested within the jurisdiction of the Manchester, New Hampshire Police Department by the State of New Hampshire, and as commanded by judicial authority.

## VI. DISCRETION

- A. Sworn personnel of the Manchester Police Department should remain mindful at all times that the authority vested in their badge be tempered with discretion. The application of discretion, where it is appropriate, does not reflect a weak or ineffective officer. Rather, discretion comes of the intelligent and mature officer who is aware that his/her actions can reach far beyond the moment and can irrevocably affect lives and liberties. Police response to any situation can involve rational, legal and moral alternatives, which are in the best interest of the community and society.
- B. The following suggests areas where officers may consider discretion as an alternative measure of response:
  - 1. The enforcement of laws (i.e., the issuance of a warning in lieu of a summons, the issuance of a summons in lieu of an arrest, etc.)
  - 2. The use of force
  - 3. Prosecution and plea bargaining
  - 4. The resolution of conflict or disputes
- C. There are many areas where strict enforcement is the best alternative response, as well as those areas where the application of discretion is limited or eliminated by virtue of Statute, City Ordinance, Court Order, Rules and Regulations of the Manchester Police Department or by lawful order of a superior officer. Officers are directed to use discretion consistent with the philosophy, goals and objectives of the department, and in keeping with the degree of fairness expected by the ordinary, reasonable, and prudent member of the community.
- D. Biased Policing:
  - 1. DEFINITION: The detention, interdiction or other disparate treatment of any person on the basis of their race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other beliefs systems.

No stop, contact, investigation, asset seizure/forfeiture or enforcement action shall take place on the basis of a person's race, gender, sexual orientation, ethnicity, religion or any other identifiable personal characteristic. Officers will conduct their investigations and develop suspicions based on traditional methods of crime detection and their instinct. Nor, shall enforcement NOT be taken on the basis of these characteristics.
  - 2. Bias based policing in law enforcement is totally unacceptable. Further, this policy shall provide guidelines for officers to prevent such occurrences and to protect employees from unwarranted accusations.
  - 3. This directive is binding on all agency officers/employees and will be discussed and implemented through the supervisory chain with all departmental employees.
  - 4. This law enforcement agency is charged with protecting the rights of all citizens regardless of race, color, ethnicity, sex, sexual orientation, physical handicap, religion or other beliefs systems.
  - 5. Law enforcement officers are also required to be observant, to identify unusual occurrences in law violations and to act upon them. It is this agency's firm policy that the law enforcement practiced in Manchester is pro-active and community based. Inherent in that mission is the responsibility to accomplish this task in a way that respects the dignity of all persons and yet sends a strong deterrent message to actual and potential law breakers.

6. It is therefore the policy of this department to patrol in a pro-active manner, to aggressively and fairly investigate suspicious persons and circumstances and to actively enforce the motor vehicle laws. This will be done in such a way that citizens will be assured that they will only be stopped or detained when there exists reasonable suspicion to believe that they have committed, are committing or about to commit a crime or violation.
  - a. The Manchester Police Department's efforts towards preventing crime in a pro-active fashion shall be based solely on those factors that contribute to the likelihood of such a crime, violation or incident occurring.
  - b. Nothing in this SOP shall be construed as to limit an officer's investigative instincts or approaches to any crime or violation.
  - c. Training programs will emphasize the need to respect the rights of all citizens to be free from unreasonable intrusions into their every day affairs, and the legal basis for equal treatment for all citizens. Initial training and annual training in biased issues including legal aspects will be provided to all agency enforcement personnel.

All agency law enforcement personnel shall be trained in and receive copies of this directive. Supervisors in all divisions will ensure that these policies are carried out in a fair and impartial manner.

- d. The only basis for the stop of a citizen, other than a normal friendly inquiry or conversation, shall be the reasonable suspicion that they have committed, are committing or about to commit an infraction. Consistent with that officers shall call in motor vehicle stops or other types of stops when they occur describing the location, the nature of the stop and the description of the vehicle and/or subject.
7. Complaints of bias-based policing and Administrative Review
  - a. Any person may file a complaint, through our established complaint system via the OIC, of any complaint of bias-based policing. This complaint will be handled and forwarded in accordance with discipline procedures.
  - b. The office of Professional Standards shall periodically review complaints from citizens to ensure that there are not a large number of bias-based policing complaints.
  - c. A documented annual administrative review of agency practices, including citizen concerns and any corrective measures taken shall be completed by the Chief of Police or his designee.

## **VII. USE OF FORCE**

- A. The use of force by police officers is an issue of great concern to society, individual officers, and police administrators. All too often cries of police brutality are heard throughout the country and it has become more difficult for an officer to effectively do his/her job without fear of some form of reprisal. This is particularly true in making a determinative on the propriety of use of force: It often occurs after the fact and is subjective in nature. No unnecessary or unreasonable force or means of restraint may be used in detaining or arresting any person. (RSA 594:4) Officers may use only the minimum amount of force necessary to accomplish lawful objectives. The lawful use of force must be controlled and confined so that an officer will not subject himself/herself to civil and criminal liability. The procedures that follow provide specific standards to guide the department in field situations.

- B. All officers authorized to carry lethal and less-lethal weapons shall be issued copies of and be instructed in the laws regarding use of force, as well as this Standard Operating Procedure pertaining to "Authority, Law Enforcement Role" prior to being authorized to carry any such weapons. The issuance of policy and curriculum delivery shall be documented.
- C. All sworn members of the department will, on an annual basis, complete training in the use of force, which will specifically deal with but not be limited to Chapter 627 of the NH RSA Justification, 627:5 Physical Force in Law Enforcement. Policies and procedures of the department reference to the use of non-deadly and deadly force and the use of lethal and less lethal weapons will also be addressed. The use of neck restraints is not authorized.

D. Non-Deadly Force

Non-deadly force shall mean that degree of force, which under circumstances is neither likely nor intended to cause serious bodily harm. It shall be the policy of the department that an officer is justified in using non-deadly force upon another person:

- 1. When and to the extent that the officer reasonably believes it necessary to effect an arrest or detention.
- 2. To prevent the escape from custody of an arrested or detained person unless the officer knows the arrest or detention is illegal.
- 3. To defend himself/herself or a third person from what the officer reasonably believes is the imminent use of less lethal force encountered while attempting to affect such an arrest or detention while seeking to prevent such an escape. (Imminent is defined as having the same meaning as immediate).

E. Deadly Force

It SHALL be the policy of the department that DEADLY FORCE be used only under the following conditions:

- 1. Protection of oneself or a third party against the imminent use of deadly force.
  - a. When the officer reasonably believes that the person escaping has committed a serious felony involving serious bodily injury or death and is likely to use deadly force to make good their escape.
  - b. When an officer has reason to believe that the person is likely to seriously endanger human life or inflict serious bodily injury unless apprehended without delay.
  - c. The use of DEADLY FORCE SHALL NOT be used in the process of arresting a felon SOLELY because he is fleeing.

F. Internal Use

These policies and procedures are for internal department use and not to be applied to any criminal or civil proceedings, nor do they create a higher legal standard of safety or care with respect to third parties. Violations of rules will only form the basis for administrative discipline, while violations of the law will be the basis for civil and criminal penalties in a court of law.

**VIII. USE OF NON-DEADLY FORCE / LESS LETHAL WEAPONS**

- A. Officers of the Manchester Police Department are issued or have at their disposal various weapons, such as the Taser X2, Taser 7 and OC, which are generally recognized to be less lethal under normal use. Each of these articles is listed in the chapter that follows, and officers shall be familiar with their authorized and intended use as less lethal weapons. Officers shall also

be aware that less lethal weapons may in fact inflict death or serious bodily injury under certain conditions or circumstances.

- B. Officers shall immediately report the use of non-deadly force and the circumstances involving its use in the arrest report or relevant case report, as well as completing a "Response to Resistance Report" as dictated in Section X of this chapter.
- C. Anytime an officer uses force in response to a suspect's resistance and the subject is in custody and/or is no longer a threat, the officer should immediately assess any injuries and the need for medical attention. If necessary, the officer should begin first aid and notify dispatch that ambulance is needed.

Officers shall request an ambulance in all instances where the officer's response to a suspect's resistance results in an injury to the suspect or the suspect claims to be injured.

D. Chemical agents

- 1. Chemical agents are generally considered to be less lethal. However, certain conditions may create a risk of death or serious bodily injury to persons either by direct contact with the agent, or indirectly as a result of panic, fire or other means.
- 2. It is the policy of the Manchester Police Department that chemical agents be used only by personnel of the department who have received proper training in the use of the particular agent.
- 3. Definition - Any chemical substance, compound, powder, aerosol, liquid, smoke, fume or other matter which is intended to cause any irritation or discomfort to any person, or which is intended to subdue, incapacitate or disorient any person.
- 4. Any use of these agents will be reported immediately in the relevant case report in addition to filling out a "Response to Resistance Report".

E. OC Spray

- 1. Oleoresin Capsicum is classified as an "inflammatory", not a chemical agent.
- 2. Oleoresin is considered an addition to the less lethal force continuum and is not intended to replace the firearm or any other authorized piece of equipment.
- 3. The Oleoresin Capsicum may be used by officers who have been properly trained and certified for its purposes.
- 4. Oleoresin Capsicum shall never be used for purposes of unlawful coercion, harassment, or any form of abuse or punishment.
- 5. Reporting the use of OC will follow the same guidelines established in Section X of this chapter.

F. Flashlights

- 1. Flashlights are a tool designed and intended for illumination. They are not recognized by the department as a weapon except in an emergency.  
  
The mass and weight of a flashlight can inflict serious or even fatal injury when used as a weapon.
- 2. It is the responsibility of all officers to maintain proper equipment and weapons at all times. Officers shall be held to answer for any use of the flashlight as a weapon and shall immediately report any such use in the relevant case report and via a "Response to Resistance Report".

G. Canine Apprehensions:

The Police Canine is a tool utilized to assist officers in various situations. The use of a canine presents an escalation of force. The use of such force is the responsibility of the canine handler.

In addition to requirements outlined in the "Canine Units" SOP, a "Response to Resistance Report" will be filled out for all canine apprehensions resulting in injury or death to a person.

H. Less Lethal Direct Impact Munitions

1. The department approved 12-gauge beanbag, 37/30 mm Bean Bag round and/or 40 mm blunt impact projectile may be used to de-escalate a situation that involves the possible use of force that may cause serious bodily injury or death upon an officer, third person, or oneself.
2. Less Lethal munitions is considered a defensive weapon and does represent an escalation of force within the force continuum.
3. Less Lethal munitions does not replace the firearm, oleoresin capsicum, or other authorized equipment designed for the protection of oneself or a third party against the use of force.
4. It shall be the policy of the department that an officer is justified in using this type of force under the following conditions.
  - a. Overcome the resistance of an arrestee when other methods of arrest have failed or are unsuitable for the circumstances presented.
  - b. Defend one self or a third party against an imminent threat or use of force that may cause serious bodily injury or death.
5. Only officers who have been trained in the use of less lethal munitions by a qualified instructor are authorized to use less lethal munitions.
6. The SWAT Commander or his/her designee may authorize the use of less lethal projectiles to create openings in the glass, or other materials, of a structure or motor vehicle as an option to resolve a tactical event.
7. The deployment of the projectiles may be delivered to "green and yellow areas" on the Monadnock Baton Chart in circumstances where the use of deadly force is not desired.
  - a. Green areas include the lower abdomen area, shin, instep, shoulder blade, achilles tendon, inside of the wrist, back of the hand, shoulder, upper arm, forearm, buttock, thigh, and calf.
  - b. Unless deadly force is justified, officers will avoid directing bean bag rounds to the temple, ears, eyes, bridge of the nose, upper jaw, lower jaw, throat, solar plexus, back of the neck, hollow behind the ear, kidney, tailbone, sternum, groin and spine.
8. Optimal range for deployment of a beanbag rounds:
  - a. Optimal range for the 12-gauge beanbag round is 20 yards. After 20 yards, accuracy diminishes rapidly.
  - b. Optimal range for the deployment of the 40 mm beanbag round is most suitable in moderately close to medium range, approximately 20-35 feet. Outside of 35 feet, the round, by the nature of its design may not provide the necessary accuracy or energy to be used as a target specific round.

- c. Optimal range for deployment of the 40 mm blunt impact projectile round is 10 to 75 feet, although it may be used in situations from 5 to 120 feet.
9. Subjects who are struck by either a beanbag round or the 40 mm blunt impact projectile will be restrained and afforded medical attention in accordance with section VIII C of this policy.
10. Anytime less lethal munitions are used in a deadly or non-deadly force situation, that fact must be recorded in the case information and a "Response to Resistance Report" will be completed.

I. Other Weapons

1. Officers of the Manchester Police Department are prohibited from carrying unauthorized weapons at any time. Such prohibited items shall include metallic or "brass" knuckles; saps; billies; weighted gloves; any martial arts weaponry; chemical weapons, except as specifically authorized; or double-edged knives.
2. Officers shall be authorized to carry pocketknives as outlined in the UNIFORM, EQUIPMENT AND PERSONAL APPEARANCE STANDARD OPERATING PROCEDURE. However, they shall be regarded only as tools which may be utilized for the purpose of cutting articles in the course of duty as may be required, and shall only be used as weapons where appropriate emergency requires as a last resort. Any use of these weapons will be reported in the relevant case report as well as on a "Response to Resistance Report".

**IX. USE OF DEADLY FORCE/FIREARMS:**

A. Firearms

1. Officers are permitted to fire their firearms, other than in lawful practice and in regulated training, only under the following conditions:
  - a. Officers may fire their firearm in conformation with New Hampshire RSA 627:5.

All officers shall receive and be familiar with the current provisions of the Statute.
  - b. When it is safe to do so, officers may destroy any animal, which the officer reasonably believes is likely to attack any person; any animal which has gone mad or is seriously injured; or any dangerous animal which cannot be removed, cared for, or restrained humanely by its owner.

When feasible, officers shall endeavor to summon the Department's Humane Officer for such purposes and notify the OIC of any such intent. Officers shall perform humane destruction out of public view if reasonably possible.

Officers shall not attempt to perform humane destruction when there is the slightest risk to innocent persons of stray projectiles.
2. An officer should resolve any doubt in his/her mind against the use of firearms before he fires.
3. An officer shall not be criticized or disciplined for failing to fire his/her firearm based upon insufficient information or when a determination of safety prevailed.
4. Discharge of any firearm will be reported on a "Response to Resistance Report" as well as within the relevant case report.

B. Warning shots

It is the policy of the Manchester Police Department that warning shots may not be used.



C. Surrender of firearms

1. Officers must surrender their firearms under the following conditions:
  - a. Officers shall surrender their firearms to a supervisor upon lawful command.
  - b. Officers shall present their firearms as requested for inspection by a supervisor, Firearms Instructor, or Armorer.
2. Officers shall not be compelled at any time to give up or surrender their firearms under the actions of a criminal or for the benefit of any hostage. Officers are cautioned that the majority of officers who give up their firearms to a criminal are very likely to be killed, and that the officer's firearm is frequently used.

D. Display of Firearms/Arming

1. The drawing or display of an officer's firearm in a public place represents a clear escalation toward the use of deadly force, greatly increases the possibility of accidental or unintended discharge, and may contribute to aggression, fear or panic.
2. There are legitimate circumstances where the drawing and availability of an officer's firearm is tactically prudent. High-risk situations may even require that an officer's firearm be immediately available for his/her own safety and others.
3. It must be clear in every officer's mind that justification for the display and availability of a firearm does not of itself justify firing of the firearm. Further, officers must immediately secure their firearm as soon as the high-risk situation is brought under control.
4. OFFICERS SHALL NOTE THE DISPLAY OF ANY FIREARM AND/OR ARMING IN THE RELEVANT CASE REPORT.
5. The following guidelines may be considered before any firearm is displayed:
  - a. approaching suspects engaged in felonious activity
  - b. approach of suspects believed to be armed and dangerous
  - c. felony stops
  - d. as a visible deterrent or show of force to curb deadly force
  - e. to provide immediate availability in high risk situations:
    - 1) hold up/hold up alarm response
    - 2) burglary response drug related felony arrests, raids
    - 3) shots fired or man-with-gun calls, unknown problem calls for help
6. Officers are reminded that because they may have unholstered their firearm, that in itself does not justify the use of the firearm.

E. Firing from Moving Vehicles

1. Officers are strongly discouraged from firing at or from moving vehicles.
2. The act of firing at or from moving vehicles introduces unacceptable levels of risk to the community without reasonable expectation of safely neutralizing a situation. A motor vehicle presents a very formidable shield against attack by any police weapon from most angles, particularly front and rear. A disabled operator or vehicle can be expected to continue in an unknown path and possibly inflict serious injury or death to innocent bystanders.

## X. USE OF FORCE REPORTING AND INVESTIGATION

The following policy shall govern the proper reporting and investigation of any use of force by an on-duty or off-duty officer of the department.

1. A "Response to Resistance Report" shall be filled out under the following circumstances:
  - a. Each incident where a firearm is discharged for other than training or recreational purposes. Unintentional discharges will be reported.
  - b. Each incident involving the use of force, utilizing lethal or less lethal weapons.
  - c. Each incident that results in, or is alleged to have resulted in injury or death of another person.
  - d. Weaponless physical force will be reported if any of the above circumstances applies. Weaponless physical force is defined two-fold. Reporting requirements are as follows:
    - 1). **Hard empty-hand control techniques** or strikes, which have a probability of injury. A "Use of Force" report will be completed.
    - 2). **Soft empty-handed control techniques**, which have a minimal chance of injury. Such force will be documented in the case incident report.
  - e. Reports will be filled out whether the incident or act was intentional, accidental or unintentional. The incident report(s), arrest report and booking photo will be attached to the report.
  - f. Reports will be reviewed and approved by the Officer in Charge or his designee. Reports will be made available for review by the Chief of Police, Professional Standards and the command staff. The reports will then be forwarded to the Training Director for final review to determine future training needs and compile statistical information for the annual analysis.
  - g. A "Use of Force Review Committee", comprised of the Training Director, a Patrol Lieutenant and two members of the Training Division will meet periodically to review all "Response to Resistance" reports. The committee will review the reports and identify any trends. The committee shall make appropriate recommendations for training needs, modifications to policy or any other action deemed necessary. The Chief of Police or his designee shall select the committee members.
2. Non-Deadly Force
  - a. Officers shall note all of the facts and circumstances involving the use of non-deadly force in the relevant arrest report or case report.
  - b. A supervisor may order any additional reports or investigations concerning the use of non-deadly force or the alleged use of non-deadly force by any officer.
3. Deadly Force
  - a. Officers shall immediately report, in writing, the use of deadly force to the OIC, whether or not death or injury results.
  - b. A superior officer shall immediately direct the securing of the scene and the location of any witness and evidence for identification.

- c. The OIC shall immediately notify the:
  - 1) Chief of Police
  - 2) Assistant Chief of Police
  - 3) Captain of the Investigative Division
  - 4) Captain from the officers assigned division
  - 5) In the case of a homicide, the OIC shall additionally notify:
    - (a) The Medical Referee
    - (b) Attorney General's Office representative
    - (c) Hillsborough County Sheriff's Office
- d. The Captain of the Investigative Division shall direct an investigation in the manner prescribed for criminal investigations.
- e. The Training Director shall review any use of deadly force for the purpose of reporting to the chief concerning.
  - 1) The propriety of the force used
  - 2) Effectiveness of officer(s) in utilizing current training
  - 3) Any recommendations for additional training, remedial training, or revisions of current training standards or procedures.
- 4. The Chief of Police and the Captain of the officer's assigned division shall be notified and shall receive copies of the report submitted by the Training Director.

## **XI. ACCIDENTAL DISCHARGE OF FIREARMS**

The following procedure shall apply in the event that any officer of the department accidentally or unintentionally discharges any firearm, or in the event that any person accidentally or unintentionally discharges a firearm which is the property or under the control of the department:

- 1. The incident shall be immediately reported to the OIC whether an on-duty or off-duty occurrence
- 2. Any such incidents involving death or personal injury shall be investigated
- 3. The OIC shall require that a written report be submitted detailing the circumstances by any officer involved
- 4. The OIC shall direct the officer's immediate supervisor to conduct an investigation into the incident in an expedient manner
- 5. The Training Director, who will conduct an investigation, shall be notified of any such incidents
- 6. All relevant investigations shall be directed to the Chief of Police together with:
  - a. facts and circumstances found, and statements made
  - b. evidence which may support or dispute a reported accident
  - c. propriety of performance by officer(s)
  - d. faulty equipment that contributed to the accident

- e. any negligence found
- f. recommendation for the individual officer that may apply for punishment, training, or remedial training
- g. revision of current training standards
- h. revision of current procedures
- i. equipment changes or modifications

## **XII. USE OF FORCE OR OTHER ACTIONS WHICH RESULT IN DEATH OR SERIOUS INJURY**

- A. Whenever an officer/employee, in an official capacity, causes the death or serious physical injury of another human being through the use of force or other actions, the department must immediately begin to determine whether their actions or their use of force applied was justifiably lawful and within the policies of the department.
- B. It is the policy of the department that the officer/employee shall be removed from operational assignments whenever his/her actions or use of force, in an official capacity, results in the death or serious injury of another person, pending the completion of an administrative review of actions under the direction of the Chief of Police. Such action is not to be considered as a punitive measure.
- C. The Chief of Police may order that any officer/employee be relieved of any duties where there is evidence of inappropriate actions or misuse of force that appears during any stage of the investigation, pending completion of the investigation.

## **XIII. STRESS MANAGEMENT**

The use of deadly force by a police officer can subject him/her to significant stress which must be managed and resolved before the officer can resume his/her duties as an effective officer and a member of the community. The following policy shall be intended to assist the officer(s) involved:

- 1. The officer may immediately be granted time off from duty for three (3) consecutive days, including normal days off, with no loss of time or pay to the officer.
- 2. The officer will be encouraged to resolve any doubts concerning his/her performance through participation in established stress management groups, or to seek the council of a psychologist. All council will remain confidential.
- 3. The department and its members recognize that the occurrence of stress following a deadly force situation is a normal and universal event and that any implementation of this policy does not reflect discredit upon the officer for the proper application of deadly force.

## **XIV. CARRYING OF FIREARMS AND QUALIFICATIONS**

- A. Officers will be required to qualify and demonstrate proficiency biannually with their department issued firearm, and will participate in additional training to support both firearm qualifications, as described in bullet B below. Officers will qualify once a year to satisfy the requirements of the New Hampshire Police Standards and Training Council Administrative Rules (Pol 302.03 and Pol 404.03).

The second qualification will be a Manchester Police Department low light qualification course approved by the Manchester Police Department Range Master. Each qualification will be graded as pass/fail and will be administered uniformly.

If an officer fails to successfully complete the qualification after four attempts or two consecutive passing scores, the officer shall be assigned to training and a remedial course will be given to the problem shooter. All deficiency and corrective actions shall be documented on the Manchester Police Department remedial firearms form by a firearms instructor. The remedial form will be turned into the Range Master to record, and to review with the Training Sergeant.

- B. The firearms training to support the biannual qualifications will be designed by the Manchester Police Departments Range Master and shall be as follows:
  - 1. A skill builder course to enhance fundamentals and accuracy.
  - 2. A tactical skills course teaching shooting on the move, shooting from alternate positions and shooting in low light conditions.
- C. All off-duty firearms will be reviewed and approved by the Range Master. All off-duty firearms will be documented and approved by the Chief of Police. Every officer approved to carry their off-duty firearm will qualify annually according to the most current standards. Sworn personnel, who regularly wear a plain clothes holster, will qualify with their full uniform duty belt in addition to their issued plain clothes holster.
- D. All on-duty and off-duty firearms shall be registered with the department Range Master at the time of official qualification. The department armorer shall maintain a written record/inventory of all weapons approved by the agency for official use.
- E. A department Armorer shall inspect all on-duty and off-duty firearms prior to carrying, and shall determine whether the firearms conform to the specifications set for on-duty and off-duty firearms.
- F. All on-duty and off-duty firearms shall be suitable for police use, as determined by the Chief, section Captain and Training Director.
- G. All firearms carried at any time shall be carried in a safe, secure, approved holster in good condition, and in such a manner as to prevent loss, accidental discharge, or theft.
- H. Uniformed patrol officers shall carry only their issued sidearm as their primary weapon, equipped as specified.
- I. Officers shall be responsible for the proper care and maintenance of the firearms, which they carry on or off duty.
  - 1. Department issued firearms shall only be repaired or serviced by Manchester Police Department Armorer as specified by the manufacturer.
  - 2. If a department issued firearm is deemed to be unsafe and/or in need of repair, that firearm will be returned to the department armorer immediately and a replacement firearm will be issued. If the department armorer is unavailable, the Officer in Charge shall take possession of the firearm and issue a new firearm to the officer until the appropriate repairs can be made.
  - 3. Officers are authorized to submit their issued firearm to a certified armorer of the New Hampshire Police Standards and Training Council while at the Academy.

Following repair or service by their armorer, said weapon shall immediately be inspected by the Department Armorer upon return from the Academy. Each officer will perform a "Function Check" of his/her own firearm after every armorer repair or servicing. This leaves no doubt in the officer's mind of the firearm proper functioning.

- J. All agency authorized firearms shall be kept securely holstered or locked in either the department armory or locker at all times. Each officer is assigned a locker and the locker shall be locked at all times when a firearm is stored within.

## **XV. ON-DUTY FIREARMS**

- A. Officers on duty are required to carry a fully loaded, authorized sidearm with which they have qualified, except as follows:

1. As waived by an appropriate supervisor for specific assignments.
2. While entering correctional or court detention facilities or mental health facilities, where they may be properly secured.
3. Officers guarding a person in our custody for IEA (Involuntary Emergency Admission) inside of the Elliot Hospital's Psychiatric Evaluation Program (PEP unit) are not allowed to be in possession of a sidearm while inside the PEP unit per hospital policy. This is done as a matter of safety for all involved and has been adopted as MPD policy.

The outer door leading to the PEP unit nurse's station and the inner doors to the PEP unit itself are secured and accessible to MPD officers by scanning your agency ID over the card reader. There are gun lockers (similar to our Booking area) in the nurse's station between the secured doors. Officers shall secure their sidearm, locking same in the gun locker while maintaining possession of the locker key before entering the PEP unit itself. The sidearm can be recovered upon exiting the unit. An officer may have occasion to enter the PEP unit to initially secure the IEA, but the officer shall not remain inside the PEP without his/her sidearm to guard the IEA. There is a surveillance monitor adjacent to the inner door that leads to the PEP unit that an officer can use to monitor the IEA while maintaining possession of his/her sidearm. Should an officer need to re-enter the PEP unit, the sidearm should be re-secured.

If while the officer is outside the PEP unit, a deadly force situation arises within the PEP unit, the officer would not be required to remove his/her sidearm upon re-entering the PEP unit to deal with said deadly force situation.

There is no prohibition from an officer maintaining his/her other equipment inside the PEP unit to include the agency issued Taser.

4. No officer of any department shall be permitted to carry a firearm within the Manchester Police Department cellblock or booking area, except as authorized by the OIC in an emergency.
- B. Only firearms and ammunition issued or authorized by the department will be carried. Issued firearms and department owned "authorized" firearms are outlined in "Section XXIV" of this chapter.
  - C. Officers carrying firearms on duty shall be fully attired in visible police uniform of the day. Officers in plain-clothes assignment shall carry both their badge and official MPD identification card in a manner that both may be readily displayed.
  - D. Officers on duty may elect to carry a secondary or "back-up" gun under the following conditions:
    1. Same shall be approved by the Training Director and by the officer's Captain.
    2. Same shall be registered with the department's Firearms Instructor.
    3. The officer shall qualify at least annually with said firearm.

4. Same shall be carried in a fully concealed holster which protects same from being dropped or accidental discharge.
5. Said guns shall not be carried in violation of any provisions set for on-duty firearms, such as the booking area or cell block.
6. Said guns are for use only in an emergency when the officer's use of the primary sidearm is exhausted.
7. Said guns shall conform to the specifications set for off-duty handguns.

## **XVI. DUTY SIDEARM SPECIFICATIONS**

All duty sidearms shall conform to the specifications established by the department. No additions or deletions to the duty firearms are allowed.

All Manchester Police Department assigned duty pistols, the P302 full Size, P320 compact and the P320 sub-compact shall not be modified. The removable inner module will stay assigned to the officers issued duty weapon and shall not be used in any other P320 frame unless authorized by the Chief of Police and inspected by the Range Master of the Manchester Police Department. The Manchester Police Department's Training Director will have the authority to approve any modification to the P320 pistol and if approved the modification will be done under the supervision of the department Range Master in order to ensure that firearms inventory is accurately maintained.

## **XVII. SWAT SIG SAUER MCX SUPRESSED 556/223 RIFLE**

- A. It is the policy of the Manchester Police Department that all SWAT officers shall receive training with the SIG SAUER MCX SUPRESSED 556/223 rifle before being authorized for its use and will be required to qualify twice a year.
- B. The SIG SAUER MCX SUPRESSED 556/223 shall be carried by assigned officers in the manner specified by proper authority of the Manchester Police Department. The SIG SAUER MCX SUPRESSED 556/223 rifles shall not be painted or any of the working components replaced, with the exception of the items listed below:
  1. SWAT officers may add approved optics to enhance accuracy:
    - a. Military Spec Sig Romeo Optic
    - b. Military Spec Aimpoint red dot sights
    - c. Military Spec Eotech sights
    - d. Trijicon ACOG/MRO Military Spec Optic
    - e. MPD sniper team members will be issued variable optics for the M400 rifle to increase accuracy at a distance. The approved optic is the Mil Spec Steiner T5Xi 1-5X24 rapid dot 5.56 30 MM. Any other issued optic will be of equal quality and must meet military specifications and will be approved by the SWAT team command staff.
  2. SWAT officers may add a custom butt-stock to enhance the officer's cheek weld.
  3. SWAT officers may add a custom tactical sling to properly fit the officer's body size.
  4. SWAT officers may add a fore grip to enhance hand placement on the issued hand

guard rail system.

5. Extended charging handle.
- C. Officers shall carry the issued ammunition specified for the appropriate weapon.
- D. The Manchester Police Department issues the SIG SAUER M400 rifle with a military spec Sig Romeo Optic Mini red dot sight, a Surefire X300 series gun light, railed hand guards, flip up front and rear sights, a Magpul collapsible butt stock, a two-point sling and a Magpul pistol grip.
- E. Officers shall not carry loaded rifles into or within the police station, except that they may be loaded or unloaded safely within the range or a clearing barrel.

#### **XVIII. POLICE PATROL RIFLE**

- A. It is the policy of the Manchester Police Department that all newly hired officers shall receive training and qualify with the Manchester Police Departments selected Patrol Rifle. All officers assigned to the Patrol Division will be issued a rifle upon completion of training to the satisfaction of the departments range master. The issued Patrol Rifle will be the SIG SAUER M400 Classic and SIG SAUER M400 Pro Rifle with a carry handle sight. The rifle shall be a .223cal/556 rifle and will be issued with 2 thirty round magazines. Officers will carry only department issued ammunition. The rifle shall not be modified from its original issued state unless authorized by the Chief of Police. Any modifications will be done by the departments range master. The only allowed modification is the officer may replace the original parade sling with another type of sling provided that it is approved by the range master and is used during qualifications.
- B. It is the policy of the Manchester Police Department that any patrol rifle be used only by individual officers of the department who have received specific training in the use of the patrol rifle, and who are given authority for such use.
- C. The Manchester Police Patrol Rifle shall be carried by all patrol officers in the manner specified by proper authority of the Manchester Police Department.
- D. The rifle will be stored only in the designated lockers located in the hallway outside of the roll call room. The rifles and ammunition will be assigned to a specific locker and secured at all times. Upon completion of the officer's shift, the rifle will be returned to the assigned locker.
- E. Patrol Officers will bring their assigned rifle and magazines to roll call for inspection daily. The roll call Sergeant will perform an inspection of the rifle and magazines. The departments range master will inspect the rifle and magazines at annual qualifications to make sure they are being cared for and are not damaged. If a rifle is found to be damaged it will be taken out of service and the range master will be notified so the rifle can be repaired. Damaged magazines will be replaced from the OIC's equipment locker. The officer issued the damaged magazine will be responsible for seeing the range master and turning in the damaged magazine.
- F. Officers transferring from the patrol division will turn in their assigned rifle directly to the departments range master. The range master will inspect the gun and log it into the rifle storage area in the range. The rifle will remain stored in the range until it is issued to another officer. Officers who are deployed with the military or officers that will be absent from work for an extended period of time will turn their rifle into the range master for safe keeping. When they return to duty the rifle will be reissued. Officers who are retiring or separating from the Manchester Police Department will follow the same procedure unless there are circumstances that will necessitate a supervisor taking control of the rifle and turning it into the range. It will be the responsibility of the range master to keep an accurate and up to date inventory of issued and stored rifles. This inventory will be sent to the Captain of Patrol monthly for review.



- G. Officers are not authorized to remove the rifle or ammunition from the locker for any other reason other than during their assigned shift or for department training unless permitted by the Chief or his designee.
- H. After initial training officer will qualify yearly with their department issued patrol rifle. Officers who fail to qualify will be given remedial training as determined by the departments range master. Officer who fails to qualify will be prohibited from carrying a patrol rifle until such time as they qualify. Repeated failure to qualify with the department rifle may lead to termination of employment or reassignment at the discretion of the chief of Police.
- I. Officers shall not carry loaded rifles into or within the police station. If necessary, rifles will be loaded and unloaded in a designated clearing area outside the police station.
- J. Officers shall only carry and transport the rifle with an empty chamber and the magazine removed with the safety applied until its use is authorized. All rifles will be secured in the rifle racks provide in each patrol vehicle.
- K. The rifle is an effective weapon for use against armed and dangerous assailants and has greater penetration, distance and stopping power than the police sidearm. Also, they are generally more effective than a sidearm as a deterrent weapon and when engaging fire. The use of these firearms and their availability are limited in many situations and cannot always be deployed safely. Officers must remember that the rifle requires the officer's hands to be occupied with the security of the weapon itself, which may prevent the officer from engaging in other tasks. Also, the use of the rifle may present a very great threat to innocent persons. Due to this, the rifle should be confined to those situations that give the officer control over its fire.

## **XIX. SPECIAL WEAPONS**

- A. Special weapons shall include high power rifles, carbines, folding stocked shotguns, selective fire rifles, submachine guns, semi-automatic weapons, chemical agent launching or delivery systems and devices, or other weapons not specifically authorized elsewhere within this chapter.
- B. It is the policy of the Manchester Police Department that any special weapon be used only by individual officers of the department who have received specific training in the use of said weapon, and who are given authority for such use. Said weapons shall only be deployed under the direction of the SWAT Commander or his designee for purposes of training or for authorized tactical use. Prior to deployment, personnel shall consider available intelligence information and circumstances such as the presence of children or elderly etc.
  - a. In cases where noise/flash diversionary devices are involved, circumstances may dictate that exterior deployment is preferable to deployment in the interior of a structure.
  - b. Whenever possible, devices shall be deployed to an area visible to the officer deploying it.
  - c. All SWAT personnel will wear ear and eye protection when they are in the immediate area of the deployment of a Noise Flash Device. This will include all training exercises.
  - d. Because noise/flash diversionary devices have the potential to ignite flammable materials, a portable fire extinguisher shall be readily accessible whenever these devices are deployed.
- C. All officers assigned special weapons shall qualify annually with same and records of such training and qualification shall be maintained by the Firearms Instructor. Such training shall be conducted under the direction of the SWAT Commander or his designee.
- D. It shall be the responsibility of the SWAT Commander to ensure that all officers who are

assigned a special weapon are maintained to a very high degree of competency applicable to said weapon.

- E. Only department issued ammunition will be used.
- F. A monthly documented inventory of all chemical munitions and noise/flash diversionary devices shall be submitted to the Captain of the Special Enforcement Division by the Range Officer.

## **XX. OFF-DUTY SIDEARMS**

All officers may elect to carry an off-duty sidearm, in accordance with Article 23-9 of the MPPA collective bargaining unit.

1. The off-duty carrying of a weapon is subject to the following provisions:
  - a. Officers may carry their issued firearm or an approved personally owned firearm.
  - b. Off-duty use of a firearm is subject to the same laws, rules and regulations that apply to on-duty use.
  - c. Officers carrying an off-duty firearm shall have their badge and official Manchester Police Department ID card on their person at all times, and shall produce said ID visibly and identify themselves as police officers whenever the off-duty firearm is drawn.
  - d. All off-duty firearm must be discreetly concealed.
  - e. Officers shall not carry any firearms while under the influence of alcohol or drugs or while consuming same.
  - f. Officers shall not carry firearms or ammunition, which contain bullets with explosive or detonating substances. All ammunition must be factory ammunition and bonded hollow point.
  - g. Use of the department issued service firearm is approved for off-duty use.
  - h. Privately owned firearms and holsters for off-duty and secondary back-up use must be of the highest quality, of modern design and must meet with the approval of the Range Master. Same must conform to training and qualification standards. Antique or obsolete firearms or cartridges shall not be approved.
2. The Chief of Police may disapprove any firearm for off-duty use or for secondary back-up use, which is not suitable as a police firearm, or any firearm with which the officer cannot properly qualify.
3. All back-up firearms must be presented at roll call for inspection.

## **XXI. AUTHORIZED HOLSTERS**

Patrol

1. SIG SAUER 9mm P320 full size pistol / Safariland holster 6360 ALS Level 3-4502
2. SIG SAUER 9mm P320 compact pistol / Safariland holster 6360 ALS Level 3-7502

SED Division

Street crime unit/Undercover officer:

1. SIG SAUER 9mm P320 compact pistol / Safariland Plain cloths holster 6377-compact 7502
2. SIG SAUER 9mm P320 pistol / Concealment holster
3. SIG SAUER 9mm sub compact pistol/ Concealment holster

S.W.A.T Team

1. SIG SAUER 9mm P320 full size pistol / Safariland drop leg tactical holster 6304 ALS Level 3-4502
2. SIG SAUER 9mm P320 compact pistol / Safariland drop leg tactical holster 6304 ALS Level 3-7502
3. SIG SAUER 9mm P320 full size pistol / Safariland Tactical light mount holster 6360 ALS Level 3-4502
4. SIG SAUER 9mm P320 compact pistol / Safariland Tactical light mount holster 6360 ALS Level 3-7502

## **XXII. Mounted Pistol/ Rifle Streamlight TLR-I HL**

The Department has authorized light mounted firearms. Light mounted firearms can be used on patrol or during any special assignment position, which could expose the officer to low light or hazardous entry situations. Only officers, who have been through the annual Manchester Police Department 4-hour low light training and have qualified with the mounted light annually, are authorized to carry and operate the lighted firearm system.

Lights may be mounted on rifles and handguns and may be carried and deployed when the use of the light mount will enhance the officer's ability to safely perform their duties. The light mount is not intended to replace the officer's handheld flashlight. A light mounted on a firearm is a tool to be used as an aid during high-risk situations. *This use of the light may only be utilized when a known deadly threat is present and deadly force is justified.* The Sig P302 will be un-holstered and the light will be activated in a low ready position. The light is activated by contracting the thumb on the support hand; this presses the end cap depressor turning the light on and then is able to control the illumination of the light. All other light use and searching techniques will be done with the use of a flash light and alternate techniques taught in the Manchester Police firearms manuals.

The gun light shouldn't be used to search for unarmed persons/suspects. The officer should always be conscious of their muzzle management and never point their muzzle at something they don't intent to shoot or destroy.

For officer safety reasons, handguns with a light attachment must be carried in a hard frame holster molded for the specific weapon system. The holster must be designed to carry the firearm with the light mount still attached to the weapon. Holsters made solely of nylon or leather material are not authorized. These types of holsters tend to collapse once the weapon is removed making it difficult to re-holster the weapon.

A light mount on a handgun is not authorized if the light mount must be removed from the firearm prior to holstering. While wearing a class "A" uniform, holsters with leg straps are not authorized. Officers will be responsible for the up keep and purchase of the weapon light batteries. During role calls the mounted lights will be removed and inspected for proper illumination, and any damage i.e. (Lens clean – Switch functioning – Brightness)

**XXIII. ISSUED AND AUTHORIZED WEAPONS AND AMMUNITION**

| WEAPON   | DUTY AMMUNITION/<br>SPECIFICATIONS   | PRACTICE AMMUNITION  |
|--|--|--|
| <b>Sig Sauer P320:<br/>Full<br/>Compact<br/>Sub Compact</b>      | Speer LE Gold Out<br>9mm Luger tp 124 GR<br>GOHP   | <u><b>MPD Range:</b></u><br>Lead-free frangible ammunition that most closely replicates the felt recoil and point of impact of the chosen duty round.<br><u><b>Off-duty/Outdoors:</b></u><br>Duty ammo or suitable factory ammunition replicating the felt recoil and point of impact of the chosen duty round |
| <b>Remington<br/>870</b>   | Federal LE127RS<br>12 Ga. Rifled Slug<br><br>CTS Model 2581-12 gauge<br>Super-Sock Bean Bag<br>Cartridge   | <u><b>MPD-RANGE:</b></u><br>Federal LE127LRS 12 Ga. Frangible Ammo<br><u><b>OUTDOOR-TRAINING:</b></u><br>Federal LE127RS 12 Ga. Rifled Slug  |
| <b>Remington 700</b>   | Federal Gold Metal Match<br>King<br>.308 168grn BTHP   | FEDERAL<br>Gold Medal Match King<br>.308 168grn BTHP   |
| <b>SIG SAUER<br/>M400</b>  | Federal 223 62 grain<br>Bonded SP  | Federal 223 55 grain<br>High Shok SP   |
| <b>Defense<br/>Technology 40<br/>MM single shot<br/>launcher</b> | Defense Technology:<br><br>Model 6325 40 mm eXact iImpact<br><br>Model 6225 37/40 mm Beanbag<br><br>Model 6040 40 mm Muzzle Blast-OC<br><br>Model 1260 40 mm Liquid Ferret-OC<br><br>Model 1262 40 mm Liquid Ferret-OC<br><br>Model 1290 40 mm Powder Ferret-OC<br><br>Model 1292 40 mm Powder Ferret-CS<br><br>Model 1190 37 mm Powder Ferret-OC<br><br>Model 1192 37 mm Powder Ferret-CS |  |

| WEAPON                             | DUTY AMMUNITION/<br>SPECIFICATIONS  | PRACTICE AMMUNITION |
|------------------------------------|---|---------------------|
| <b>OC-Sabre 5.0</b>                | Active ingredient .67 %<br>Major Capsaicinoids, 5%<br>Oleoresin Capsicum,<br>2,000,000 SHU Non-<br>Flammable, Electric<br>Immobilization Device<br>Compatible | N/A                 |
| <b>Taser X2/Taser 7</b>            | Only cartridges<br>manufactured by TASER<br>International, specifically for<br>the use in X2 and 7 shall be<br>used.  |                     |
| <b>Blunt Impact<br/>Projectile</b> | 40mm Blunt Impact<br>Projectile   |                     |